

05-149

<b>FCC 601</b> <b>Main Form</b>	<b>FCC Application for Wireless Telecommunications Bureau Radio Service Authorization</b>	Approved by OMB 3060 - 0798 See instructions for public burden estimate Submitted 03/03/2005 at 12:47PM  File Number: <b>0002066590</b>
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1) Radio Service Code: <b>CW</b>	1a) Existing Radio Service Code:
2) Application Purpose: <b>New</b>	
3a) If this request is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter <u>N</u> (Not Applicable).	( <u>N</u> ) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this request is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	( ) <u>Y</u> <u>e</u> s <u>N</u> o
4) If this request is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number:
5) If this request is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Consolidate Call Signs, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license.	Call Sign:
6) If this request is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	
7) Is this request "major" as defined in Section 1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of Section 1.929)	( ) <u>Y</u> <u>e</u> s <u>N</u> o
8a) Does this filing request a Waiver of the Commission's Rules? If 'Yes', attach an exhibit providing the rule numbers and expanding circumstances.	( <u>N</u> ) <u>Y</u> <u>e</u> s <u>N</u> o
8b) If a feeable waiver request is attached, multiply the number of stations (call signs) times the number of rule sections and enter the result.	
8c) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	( <u>N</u> ) <u>Y</u> <u>e</u> s <u>N</u> o
9) Are attachments being filed with this application?	( <u>Y</u> ) <u>Y</u> <u>e</u> s <u>N</u> o

### Applicant Information

10) FCC Registration Number (FRN): <b>0012195483</b>			
11) Licensee is a(n): <b>Limited Liability Corporation</b>			
12) First Name (if individual):	MI:	Last Name:	Suffix:
13) Entity Name (if other than individual): <b>Punxsutawney Communications, LLC</b>			
14) Name of Real Party in Interest of Applicant (if different from applicant):			
15) Taxpayer Identification Number of Real Party in Interest:			
16) Attention To: <b>Paul M. Posner</b>			
17) P.O. Box:	And/Or	18) Street Address: <b>1999 Gulfmart, Suite 514</b>	

19) City: <b>San Antonio</b>	20) State: <b>TX</b>	21) Zip Code: <b>78217</b>
22) Telephone Number: <b>(210)828-8849</b>		23) FAX Number: <b>(210)678-8105</b>
24) E-Mail Address: <b>pposner@allegHENYcommunications.com</b>		

**Contact Information (If different than applicant)**

25) First Name: <b>Jonathan</b>	MI: <b>V</b>	Last Name: <b>Cohen</b>	Suffix:
26) Entity Name: <b>Wilkinson Barker Knauer, LLP</b>			
27) P.O. Box:	And/Or	28) Street Address: <b>2300 N Street, NW, Suite 700</b>	
29) City: <b>Washington</b>	30) State: <b>DC</b>	31) Zip Code: <b>20037</b>	
32) Telephone Number: <b>(202)783-4141</b>		33) FAX Number: <b>(202)783-5851</b>	
34) E-Mail Address: <b>joncohen@wbklaw.com</b>			

**Regulatory Status**

35) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):	<input checked="" type="checkbox"/> <b>( Yes ) Common Carrier</b> <input type="checkbox"/> <b>( No ) Non-Common Carrier</b> <input type="checkbox"/> <b>( No ) Private, internal communications</b> <input type="checkbox"/> <b>( No ) Broadcast Services</b> <input type="checkbox"/> <b>( No ) Band Manager</b>
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**Type of Radio Service**

36) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):	<input checked="" type="checkbox"/> <b>( Yes ) Fixed</b> <input checked="" type="checkbox"/> <b>( Yes ) Mobile</b> <input type="checkbox"/> <b>( No ) Radiolocation</b> <input type="checkbox"/> <b>( No ) Satellite (sound)</b> <input type="checkbox"/> <b>( No ) Broadcast Services</b>
37) Interconnected Service? ( Y ) <u>Yes</u> <u>No</u>	

**Fee Status**

38) Is the Applicant exempt from FCC application fees?	( ) <u>Yes</u> <u>No</u>
39) Is the Applicant exempt from FCC regulatory fees?	( ) <u>Yes</u> <u>No</u>

**Alien Ownership Questions (If any answer is Yes, attach exhibit explaining circumstances.)**

40) Is the applicant a foreign government or the representative of any foreign government?	( N ) <u>Yes</u> <u>No</u>
41) Is the applicant an alien or the representative of an alien?	( N ) <u>Yes</u> <u>No</u>
42) Is the applicant a corporation organized under the laws of any foreign government?	( N ) <u>Yes</u> <u>No</u>
43) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	( N ) <u>Yes</u> <u>No</u>

44) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	( N ) <u>Yes</u> <u>No</u>
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**Basic Qualification Questions (If any answer is Yes, attach exhibit explaining circumstances.)**

45) Has the applicant or any party to this application or amendment had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission?	( N ) <u>Yes</u> <u>No</u>
46) Has the applicant or any party to this application or amendment, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?	( N ) <u>Yes</u> <u>No</u>
47) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	( N ) <u>Yes</u> <u>No</u>
48) Is the applicant or any party directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items?	( N ) <u>Yes</u> <u>No</u>

**Aeronautical Advisory Station (Unicom) Certification**

49) ( ) I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

**50) Race, Ethnicity, Gender of Applicant/Licensee (Optional)**

<b>Race:</b>	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
<b>Ethnicity:</b>	Hispanic or Latino:	Not Hispanic or Latino:			
<b>Gender:</b>	Female:	Male:			

**General Certification Statements**

1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2) The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under Section 1.2002(c) of the rules, 47 CFR § 1.2002(c). See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b) for the definition of 'party to the application' as used in this certification.
5) The applicant certifies that it either (1) has current Form 602 on file with the Commission, (2) is filing an update Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's Rules.

6) The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. § 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. §§ 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.

### Signature

51) Typed or Printed Name of Party Authorized to Sign			
First Name: <b>Ricardo</b>	MI: <b>M</b>	Last Name: <b>Cantu</b>	Suffix:
52) Title: <b>Vice President</b>			
Signature: <b>Ricardo M Cantu</b>			53) Date: <b>03/03/05</b>
Failure To Sign This Application May Result In Dismissal Of The Application And Forfeiture Of Any Fees Paid			
<p>Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, § 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, § 503).</p>			

<b>FCC 601 Schedule B</b>	<p align="center"><b>Schedule for Geographically Licensed Services</b></p>	<p>Approved by OMB 3060 - 0798 See instructions for public burden estimate</p> <p>File Number: <b>0002066590</b></p>
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Market/Channel Block				
1) Market Designator	2) Market Name	3) Channel Block	4) Sub-Market Designator	5) I am seeking a Tribal Lands Bidding Credit in this market
<b>BTA056</b>	<b>Brownsville-Harlingen, TX</b>	<b>C3</b>	<b>3</b>	<b>No</b>
<b>BTA268</b>	<b>McAllen, TX</b>	<b>C4</b>	<b>4</b>	<b>No</b>
<b>BTA319</b>	<b>New London-Norwich, CT</b>	<b>C5</b>	<b>5</b>	<b>No</b>
<b>BTA364</b>	<b>Providence-Pawtucket, RI-New B</b>	<b>C5</b>	<b>5</b>	<b>No</b>
<b>BTA401</b>	<b>San Antonio, TX</b>	<b>C5</b>	<b>5</b>	<b>No</b>
<b>BTA480</b>	<b>Worcester-Fitchburg-Leominster</b>	<b>C4</b>	<b>4</b>	<b>No</b>

Tribal Lands Information						
6) Market Designator	7) Channel Block	8) Name of Tribal Lands	9) Area, in square kilometers, of tribal lands contained within designated	10) Indicate with an "X" those tribal lands where applicant has secured the required certification(s) from the tribal governments	11) The amount of bidding credit as defined by FCC Rules	12) Additional amount of bidding credit requested (attach justification)

market	(attach certification(s))	(by Market)
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**Certification Statements****For Applicants Claiming Eligibility as an Entrepreneur Under the General Rule**

Applicant certifies that they are eligible to obtain the licenses for which they apply.

**For Applicants Claiming Eligibility as a Publicly Traded Corporation**

Applicant certifies that they are eligible to obtain the licenses for which they apply and that they comply with the definition of a Publicly Traded Corporation, as set out in the applicable FCC rules.

**For Applicants Claiming Eligibility using a Control Group Structure**

Applicant certifies that they are eligible to obtain the licenses for which they apply.

Applicant certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

**For Applicants Claiming Eligibility as a Very Small Business, Very Small Business Consortium, Small Business, or as a Small Business Consortium**

Applicant certifies that they are eligible to obtain the licenses for which they apply.

Applicant certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

**For Applicants Claiming Eligibility as a Rural Telephone Company**

Applicant certifies that they meet the definition of a Rural Telephone Company as set out in the applicable FCC rules, and must disclose all parties to agreement(s) to partition licenses won in this auction. See applicable FCC rules.

**For Applicants Claiming Tribal Lands Bidding Credit**

Applicant certifies that it will comply with the bidding credit buildout requirements and consult with the tribal government(s) regarding the siting of facilities and deployment of service on the tribal land(s) as set out in the applicable FCC rules.

The copy resulting from Print Preview is intended to be used as a reference copy only and MAY NOT be submitted to the FCC as an application for manual filing.

**Attachment List**

Attachment Type	Date	Description	Contents
Ownership	03/03/05	Exhibit A: Ownership	<a href="#">0179988023000012635645335.pdf</a>
Other	03/03/05	Exhibit C: Closed Bidding Eligibility	<a href="#">0179988033000012635645335.pdf</a>
Other	03/03/05	Exhibit D: Designated Entities	<a href="#">0179988043000012635645335.pdf</a>
Other	03/03/05	Exhibit H: Geographic Overlap Statement	<a href="#">0179988053000012635645335.pdf</a>



**EXHIBIT A: OWNERSHIP**

**1. GENERAL INFORMATION**

The applicant is Punxsutawney Communications, LLC ("Applicant"), a Delaware limited liability company. The Applicant's contact is Paul M. Posner, President and Sole Manager of the Applicant. The Applicant may be contacted at:

Punxsutawney Communications, LLC  
c/o Paul M. Posner  
1999 Gulfmart, Suite 514  
San Antonio, Texas 78217

**2. OWNERSHIP INFORMATION**

**A. Controlling Interest Holders**

Paul M. Posner is the controlling interest holder of the Applicant. Mr. Posner is a U.S. citizen who may be contacted at the Applicant's address. Mr. Posner is the President, Sole Manager and Sole Member of the Applicant.

**B. 10% or Greater Direct Interest Holders by Class**

Paul M. Posner holds 100% of the membership interests in the Applicant, which constitutes the only voting and equity rights in the Applicant. Mr. Posner is a U.S. citizen who may be contacted at the Applicant's address. No other individuals or entities hold any interest in the Applicant.

**C. 10% or Greater Direct Interest Holders**

Paul M. Posner holds 100% of the membership interests in the Applicant, which constitutes the only voting and equity rights in the Applicant. Mr. Posner is a U.S. citizen who may be contacted at the Applicant's address. No other individuals or entities hold any interest in the Applicant.

**D. 10% or Greater Indirect Interest Holders**

The Applicant has no indirect interest holders.

**E. FCC-Licensed Interests of Applicant and Interest Holders**

Paul M. Posner is the sole interest holder in the Applicant. The only FCC-regulated or FCC-licensed entities in which Mr. Posner holds an interest are:

i. Posner Telecommunications, Inc. ("PTI"). PTI is a Texas corporation wholly-owned by Mr. Posner. PTI provides paging services and holds paging authorizations from the FCC. PTI may be contacted at the Applicant's address. PTI's principal business is telecommunications services.

ii. Allegheny Communications Holdings I, LLC ("ACHI"). ACHI is a Delaware limited liability company wholly-owned by Allegheny Communications, LLC ("AC"), which is also a Delaware limited liability company. Mr. Posner holds a 99.99% direct ownership interest in AC, and as such Mr. Posner holds a 99.99% indirect ownership interest in ACHI. ACHI holds certain Wireless Communications Services licenses and Narrowband PCS licenses. ACHI's principal business is telecommunications services.

iii. DPI Telecommunications, Ltd. ("DPIT"). DPIT is a Texas limited partnership in which Discount Paging, Inc. ("DPI") holds a 1% ownership interest and PTI holds a 99% ownership interest. DPI, a Delaware corporation, is general partner of DPIT. DPI and PTI are wholly owned by Mr. Posner, and as such Mr. Posner holds a 100% indirect ownership interest in DPIT. DPIT holds paging authorizations from the FCC. DPIT and DPI may be contacted at the Applicant's address. DPIT's principal business is telecommunications services.

### EXHIBIT C: CLOSED BIDDING ELIGIBILITY

Punxsutawney Communications, LLC ("Applicant") is eligible to obtain "closed" licenses that it won as an "entrepreneur." The gross revenues and total assets of the Applicant and its affiliates are set forth below. Because the Applicant's Sole Member is an individual (Paul M. Posner = "PMP"), the affiliates of the Applicant and its controlling interest holder are identical. As shown below, the Applicant is a newly-formed entity and as such has generated no revenues and holds no assets. A "\$0" is used for years where an entity generated no revenues.

<b>Punxsutawney Communications, LLC ("Applicant")</b>	<b>100% owned by PMP</b>
2002 Gross Revenues	\$0
2003 Gross Revenues	\$0
Average Gross Revenues for 2-year Period	\$0
Total Assets	\$0

<b>Posner Telecommunications, Inc.</b>	<b>100% owned by PMP</b>
2002 Gross Revenues	\$2,970,691
2003 Gross Revenues	\$2,939,220
Average Gross Revenues for 2-year Period	\$2,954,956
Total Assets	\$1,256,730 <sup>1</sup>

<b>Allegheny Communications Holdings I, LLC</b>	<b>99.99% owned by PMP</b>
2002 Gross Revenues	N/A
2003 Gross Revenues	N/A
Average Gross Revenues for 2-year Period	(See Note 2 below.)
Total Assets	(See Note 2 below.)

<b>Allegheny Communications, LLC</b>	<b>99.99% owned by PMP</b>
2002 Gross Revenues	\$0
2003 Gross Revenues	\$0
Average Gross Revenues for 2-year Period	\$0
Total Assets	\$4,121,476 <sup>2</sup>

<b>Monongahela Communications, LLC</b>	<b>100% owned by PMP</b>
2002 Gross Revenues	\$0
2003 Gross Revenues	\$0
Average Gross Revenues for 2-year Period	\$0
Total Assets	\$121,760 <sup>3</sup>

<b>Allegheny Communications, Inc.</b>	<b>100% owned by PMP</b>
2002 Gross Revenues	\$0
2003 Gross Revenues	\$46,678
Average Gross Revenues for 2-year Period	\$23,339
Total Assets	\$1,082,447 <sup>4</sup>



<b>Dynamo Dresden, Inc.</b>	<b>100% owned by PMP</b>
2002 Gross Revenues	\$1,983
2003 Gross Revenues	\$1,036
Average Gross Revenues for 2-year Period	\$1,510
Total Assets	\$109,498 <sup>5</sup>

**AGGREGATED TOTALS FOR APPLICANT AND ITS AFFILIATES:**

Gross Revenues for 2002:	<b>\$2,972,674</b>
Gross Revenues for 2003:	<b>\$2,986,934</b>
Total Gross Revenues for 2002 & 2003:	<b>\$5,959,608</b>
Average Gross Revenues for 2002 & 2003:	<b>\$2,979,804</b>
Total Assets:	<b>\$6,691,911</b>

As added disclosure, Applicant notes that Paul M. Posner controls a number of shell entities that currently have no assets and have generated no revenues during the last three years. These shell entities are:

Allegheny Communications-Texas, Inc.  
San Antonio Contracts, Inc.  
San Antonio One Call Leasing, LLC  
DPI Telecommunications, Ltd.  
Discount Paging, Inc.

Under the "kinship affiliation" rule in 47 C.F.R. Section 1.2110, immediate family members, including sons, are "presumed to own or control or have the power to control interests owned or controlled by other immediate family members," but this presumption "may be rebutted by a showing that...[t]he family members are not closely involved with each other in business matters." Applicant notes that Henry Posner, Jr. (the father of Paul M. Posner, who is the Applicant's President, Sole Manager and Sole Member) and his son Paul Posner are not closely involved in business matters. Further, while Henry Posner, Jr. has previously transferred minority ownership interests in certain entities to Paul Posner as part of an estate planning mechanism, that action should not be deemed to have created an affiliation between father and son for purposes of this application. As an initial matter, Paul Posner is 45, well beyond the age of majority, lives independent of his father, has conducted his business affairs independent of his father, and the areas in which Paul Posner has business interests are largely unrelated to the types of businesses owned or controlled by his father. Paul Posner has spent the last 15 years working solely on his own business ventures and his father has not provided business or technical expertise to any of Paul Posner's ventures. Moreover, Henry Posner, Jr. has never held any equity interest or served in any director or officer capacity in any of Paul Posner's affiliated entities. While Paul Posner holds minority interests in some of his father's businesses, he has held these interests for a considerable period of time and the interests were acquired by him as part of an estate planning mechanism instituted solely at the direction of Henry Posner, Jr. Thus, Paul Posner has no control over any of Henry Posner, Jr.'s businesses in which he holds a minority interest, has no control over any of his father's other businesses, does not serve in a director or officer capacity in any of his father's businesses, and Paul Posner spends no time, other than to attend periodic update meetings, relating to his father's business affairs. Indeed, Henry Posner, Jr. is 86, continues to manage his own business interests, and has no equity interest in or control over Applicant or any of the affiliates of Paul Posner that are listed in this application. Under these circumstances, Paul Posner and his father should be deemed to have rebutted the familial presumption because they are "not closely involved with each other in business matters."

The undersigned, being the President & Sole Manager of the Applicant, hereby certifies, under penalty of perjury, that the Applicant meets the eligibility criteria to be an "entrepreneur" and that the unaudited gross revenue and total asset information provided herein for the Applicant and its affiliates is true and accurate to the best of my knowledge.

**PUNXSUTAWNEY COMMUNICATIONS, LLC**

/s/ Paul M. Posner  
Paul M. Posner  
President & Sole Manager  
March 3, 2005

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<sup>1</sup> Total assets are as of September 30, 2004.

<sup>2</sup> The figures for Allegheny Communications, LLC include the figures for its wholly-owned subsidiary Allegheny Communications Holdings I, LLC ("ACHI"). The relevant statements for the foregoing entities are kept on a consolidated basis; therefore, no figures are reported separately for ACHI. Total assets are as of December 31, 2003.

<sup>3</sup> Total assets are as of October 31, 2004.

<sup>4</sup> Total assets are as of October 31, 2004.

<sup>5</sup> Total assets are as of December 31, 2003.

# **EXHIBIT D: DESIGNATED ENTITIES**

Punxsutawney Communications, LLC ("Applicant") qualifies as a "Very Small Business" and as such is eligible to receive a 25% bidding credit on "open" licenses that it won. The gross revenues of the Applicant and its affiliates are set forth below. Because the Applicant's Sole Member is an individual (Paul M. Posner = "PMP"), the affiliates of the Applicant and its controlling interest holder are identical. As shown below, the Applicant is a newly-formed entity and as such has generated no revenues. A "\$0" is used for years where an entity generated no revenues.

<b>Punxsutawney Communications, LLC ("Applicant")</b>	<b>100% owned by PMP</b>
2001 Gross Revenues	\$0
2002 Gross Revenues	\$0
2003 Gross Revenues	\$0
Average Gross Revenues for 3-year Period	\$0

<b>Posner Telecommunications, Inc.</b>	<b>100% owned by PMP</b>
2001 Gross Revenues	\$0
2002 Gross Revenues	\$2,970,691
2003 Gross Revenues	\$2,939,220
Average Gross Revenues for 3-year Period	\$1,969,970

<b>Allegheny Communications Holdings I, LLC</b>	<b>99.99% owned by PMP</b>
2001 Gross Revenues	N/A
2002 Gross Revenues	N/A
2003 Gross Revenues	N/A
Average Gross Revenues for 3-year Period	(See Note 1 below)

<b>Allegheny Communications, LLC</b>	<b>99.99% owned by PMP</b>
2001 Gross Revenues	\$0
2002 Gross Revenues	\$0
2003 Gross Revenues	\$0
Average Gross Revenues for 3-year Period	\$0

<b>Monongahela Communications, LLC</b>	<b>100% owned by PMP</b>
2001 Gross Revenues	\$0
2002 Gross Revenues	\$0
2003 Gross Revenues	\$0
Average Gross Revenues for 3-year Period	\$0

<b>Allegheny Communications, Inc.</b>	<b>100% owned by PMP</b>
2001 Gross Revenues	\$0
2002 Gross Revenues	\$0
2003 Gross Revenues	\$46,678
Average Gross Revenues for 3-year Period	\$15,559

<b>Dynamo Dresden, Inc.</b>	<b>100% owned by PMP</b>
2001 Gross Revenues	\$1,966
2002 Gross Revenues	\$1,983
2003 Gross Revenues	\$1,036
Average Gross Revenues for 3-year Period	\$1,662

**AGGREGATED TOTALS FOR APPLICANT AND ITS AFFILIATES:**

Gross Revenues for 2001:	\$1,966
Gross Revenues for 2002:	\$2,972,674
Gross Revenues for 2003:	\$2,986,934
Total Gross Revenues for 2001, 2002 & 2003:	\$5,961,574
Average Gross Revenues for 2001, 2002 & 2003:	\$1,987,191

As added disclosure, Applicant notes that Paul M. Posner controls a number of shell entities that currently have no assets and have generated no revenues during the last three years. These shell entities are:

Allegheny Communications-Texas, Inc.  
San Antonio Contracts, Inc.  
San Antonio One Call Leasing, LLC  
DPI Telecommunications, Ltd.  
Discount Paging, Inc.

Under the "kinship affiliation" rule in 47 C.F.R. Section 1.2110, immediate family members, including sons, are "presumed to own or control or have the power to control interests owned or controlled by other immediate family members," but this presumption "may be rebutted by a showing that...[t]he family members are not closely involved with each other in business matters." Applicant notes that Henry Posner, Jr. (the father of Paul M. Posner, who is the Applicant's President, Sole Manager and Sole Member) and his son Paul Posner are not closely involved in business matters. Further, while Henry Posner, Jr. has previously transferred minority ownership interests in certain entities to Paul Posner as part of an estate planning mechanism, that action should not be deemed to have created an affiliation between father and son for purposes of this application. As an initial matter, Paul Posner is 45, well beyond the age of majority, lives independent of his father, has conducted his business affairs independent of his father, and the areas in which Paul Posner has business interests are largely unrelated to the types of businesses owned or controlled by his father. Paul Posner has spent the last 15 years working solely on his own business ventures and his father has not provided business or technical expertise to any of Paul Posner's ventures. Moreover, Henry Posner, Jr. has never held any equity interest or served in any director or officer capacity in any of Paul Posner's affiliated entities. While Paul Posner holds minority interests in some of his father's businesses, he has held these interests for a considerable period of time and the interests were acquired by him as part of an estate planning mechanism instituted solely at the direction of Henry Posner, Jr. Thus, Paul Posner has no control over any of Henry Posner, Jr.'s businesses in which he holds a minority interest, has no control over any of his father's other businesses, does not serve in a director or officer capacity in any of his father's businesses, and Paul Posner spends no time, other than to attend periodic update meetings, relating to his father's business affairs. Indeed, Henry Posner, Jr. is 86, continues to manage his own business interests, and has no equity interest in or control over Applicant or any of the affiliates of Paul Posner that are listed in this application. Under these circumstances, Paul Posner and his father should be deemed to have rebutted the familial presumption because they are "not closely involved with each other in business matters."

The undersigned, being the President & Sole Manager of the Applicant, hereby certifies, under penalty of perjury, that the Applicant meets the eligibility criteria to be a "very small business" and that the unaudited gross revenue information provided herein for the Applicant and its affiliates is true and accurate to the best of my knowledge.

**PUNXSUTAWNEY COMMUNICATIONS, LLC**

/s/ Paul M. Posner

Paul M. Posner

President & Sole Manager

March 3, 2005

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<sup>1</sup> The figures for Allegheny Communications, LLC include the figures for its wholly-owned subsidiary Allegheny Communications Holdings I, LLC ("ACHI"). The relevant statements for the foregoing entities are kept on a consolidated basis; therefore, no figures are reported separately for ACHI.

**EXHIBIT H: GEOGRAPHIC OVERLAP STATEMENT**

Punxsutawney Communications, LLC ("Applicant") notes that Allegheny Communications Holdings I, LLC ("ACHI," an affiliated entity), holds Wireless Communications Services licenses under Call Signs KNLB215 and KNLB255. These WCS licenses cover the geographic area encompassed by Major Economic Area 038. Applicant was a winning bidder in FCC Auction No. 58 for Broadband PCS licenses in BTA-056 (Brownsville-Harlingen, TX), BTA-268 (McAllen, TX) and BTA-401 (San Antonio, TX). A geographic overlap exists as follows because Applicant's Broadband PCS licenses are for markets that fall within the geographic area covered by ACHI's WCS licenses in MEA-038.

<u>Market</u>	<u>Broadband PCS Spectrum</u>	<u>WCS Spectrum</u>
BTA-401	10 MHz	20 MHz
BTA-056	10 MHz	20 MHz
BTA-268	10 MHz	20 MHz

Applicant further notes that ACHI holds Narrowband PCS licenses under several Call Signs that cover Nationwide and Major Trading Area geographic areas. A geographic overlap exists as follows because Applicant's Broadband PCS licenses are for markets that fall within the geographic areas covered by ACHI's Nationwide and MTA Narrowband PCS licenses.

<u>Market</u>	<u>Broadband PCS Spectrum</u>	<u>Narrowband PCS Spectrum</u>
BTA-401	10 MHz	265 KHz
BTA-056	10 MHz	265 KHz
BTA-268	10 MHz	265 KHz
BTA-319	10 MHz	265 KHz
BTA-364	10 MHz	265 KHz
BTA-480	10 MHz	265 KHz

**PUNXSUTAWNEY COMMUNICATIONS, LLC**

/s/ Paul M. Posner  
Paul M. Posner  
President & Sole Manager  
March 3, 2005

**FCC 602  
Main Form**

**FCC Ownership Disclosure Information for the  
Wireless Telecommunications Services**

Approved by OMB  
3060 - 0799  
See instructions for  
Public burden estimate  
Submitted  
02/23/2005 at 1:34 PM  
File Number:  
0002082098

**Filing Type**

1a) <input checked="" type="checkbox"/> Current Filing	____ Proposed Filing
1b) Is the purpose of this filing to report cellular cross-ownership holdings required pursuant to section 1.919 of the Commission's Rules? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If 'Yes', provide an exhibit with this filing that identifies the Rural Service Area market(s) involved, as well as the cellular licensee of which the filer has acquired direct or indirect ownership interest of 10% or greater.	

**Filer Information**

2) First Name (if individual):	MI:	Last Name:	Suffix:
3) Filer Name (if entity): Purxsutawney Communications, LLC		4) FCC Registration Number (FRN): 12195483	

**5) Contact Information**

Name and Address: Rick Cantu PO BOX 1999 Gulfmart, Suite 514 San Antonio TX 78217	Telephone Number: 210-497-4214 Fax Number: 210-678-8130 E-mail Address: rcantu@alleghenycommunications.com
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**Related FCC Regulated Businesses of Filer**

6a) Name of all FCC-Regulated Businesses owned by Filer (use additional sheets, if necessary):	6b) Principal Business:	6c) FCC Registration Number (FRN):	6d) Percent of Interest Held:
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**Signature**

**7) Typed or Printed Name of Party Authorized to Sign**

First Name: Rick	MI:	Last Name: Cantu	Suffix:
Title: Vice President			
Signature: Rick Cantu			Date: 2/23/2005
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1) AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).			

FCC 602 Main Form  
March 2005

**FCC 602**  
**Schedule A**

**FCC Ownership Disclosure Information for the**  
**Wireless Telecommunications Services**

Schedule for Disclosable Interest Holders

Approved by OMB  
3060 - 0799  
See instructions for  
Public burden estimate

**Disclosable Interest Holder Information (complete as many as required to describe all disclosable interest holders)**

1) Disclosable Interest Holder's First Name (if individual): <b>Paul</b>	MI: <b>M</b>	Last Name: <b>Posner</b>	Suffix:
2) Disclosable Interest Holder's Name (if entity):		3) FCC Registration Number(FRN): <b>5935507</b>	
4) Disclosable Interest Holder's Address: <b>1999 Gulfmart, Suite 514 San Antonio TX 78217</b>			
5) Type of Interest in Filer ( ) (refer to instructions for a list of codes): <b>Direct Ownership Interest in Filer Officer Director</b>	6) Disclosable Interest Holder is a (n): ( ) (refer to instructions for list of codes): <b>Individual</b>		7) Percent of Interest Held in Filer: <b>100</b>
8) Disclosable Interest Holder's Type of Ownership ( ) (refer to instructions for a list of codes): <b>Membership Shares Other: Voting</b>		9) Disclosable Interest Holder's Country of Citizenship or Jurisdiction of Formation: <b>United States US</b>	

**Related FCC Regulated Businesses of Disclosable Interest Holders (repeat for each interest holder identified)**

10a) Name and address of all FCC-Regulated Businesses owned by the Disclosable Interest Holder listed in Item 1 or 2 (use additional sheets, if necessary)	10b) Principle Business	10c) FCC Registration Number(FRN)	10d) Percent of Interest Held
<b>Allegheny Communications Holdings I, LLC</b>	<b>Telecommunications</b>	<b>6068787</b>	<b>99.99</b>
<b>Allegheny Communications, LLC</b>	<b>Telecommunications</b>	<b>5935408</b>	<b>99.99</b>



10a) Name and address of all FCC-Regulated Businesses owned by the Disclosable Interest Holder listed in Item 1 or 2 (use additional sheets, if necessary)	10b) Principle Business	10c) FCC Registration Number(FRN)	10d) Percent of Interest Held
Posner Telecommunications, Inc.	Telecommunications	1677857	100
DPI Telecommunications, Ltd.	Telecommunications	6428262	100